

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID M. FROSTICK,

Plaintiff,

v.

ANDREA LUEM et al.,

Defendants.

2:14-cv-804-JCM-PAL

ORDER

I. DISCUSSION

Plaintiff, who is currently incarcerated at the Clark County Detention Center, has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1, 1-2).

Plaintiff's application to proceed *in forma pauperis* is incomplete. Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a completed *in forma pauperis* application, a financial certificate, or an inmate account statement.¹ (See ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1, 1-2), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full

¹ The Court notes that Plaintiff may have interspersed his application to proceed *in forma pauperis* in between his 200-page complaint. (See ECF No. 1, 1-1, 1-2). The Court directs Plaintiff to file his completed application to proceed *in forma pauperis* as a separate document.

1 filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma*
2 *pauperis* he must file a fully complete application to proceed *in forma pauperis*.

3 **II. CONCLUSION**

4 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in*
5 *forma pauperis* (ECF No. 1) is DENIED without prejudice to file a new application.

6 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff the
7 approved form application to proceed *in forma pauperis* by a prisoner, as well as the document
8 entitled information and instructions for filing an *in forma pauperis* application.

9 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
10 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
11 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
12 (2) pay the full filing fee of \$400.

13 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
14 dismissal of this action may result.

15 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
16 No. 1-1, 1-2), but shall not file it at this time.

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18 DATED: This 28th day of May, 2014.

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21 United States Magistrate Judge
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